

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RICHARD ELLIS,

Plaintiff,

v.

AFTON PUMPS, INC. et al.,

Defendants.

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Case No. 3:15-cv-140-NJR-DGW

**ORDER**

**WILKERSON, Magistrate Judge:**

Now pending before the Court are the Motion to Amend filed by Plaintiff on July 15, 2015 (Doc. 536) and the Motion to Bar Plaintiff's undisclosed Witnesses filed by Defendants Crane Co. and Ingersoll-Rand Company on August 3, 2015 (Doc. 556).

The Motion to Amend is **DENIED WITHOUT PREJUDICE**. The District Court has recently entered Orders dismissing certain Defendants contained in the proposed Second Amended Complaint (including The Dow Chemical Company). The proposed Second Amended Complaint also includes other Defendants who are subject to motions to dismiss, filed by Plaintiff, that are likely to be unopposed. Including such Defendants in an amended complaint would lead to confusion. Plaintiff is granted leave to refile his Motion by **August 14, 2015** (when such motions to dismiss should be resolved). Any responses to the anticipated motion to amend shall be filed within 7 days of service.

The Motion to Bar is **TAKEN UNDER ADVISEMENT**. Defendants seek to bar any further fact/product identification witnesses that Plaintiff may tender in this matter. Defendants also seek a shortened response period of 7 days. Plaintiff shall respond to the Motion by **August 13, 2015**.

**IT IS SO ORDERED.**

**DATED: August 5, 2015**



**DONALD G. WILKERSON**  
**United States Magistrate Judge**